

Date: Thu, 10 Jun 93 16:36:40 PDT  
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>  
Errors-To: Ham-Policy-Errors@UCSD.Edu  
Reply-To: Ham-Policy@UCSD.Edu  
Precedence: Bulk  
Subject: Ham-Policy Digest V93 #181  
To: Ham-Policy

Ham-Policy Digest                  Thu, 10 Jun 93                  Volume 93 : Issue 181

Today's Topics:

    Blind VE flames  
    NQOI Loses Big PRB-1 Antenna Case (2 msgs)

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>  
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>  
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available  
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text  
herein consists of personal comments and does not represent the official  
policies or positions of any party. Your mileage may vary. So there.

---

Date: 10 Jun 1993 11:55:29 -0500  
From: dog.ee.lbl.gov!overload.lbl.gov!agate!howland.reston.ans.net!gatech!swrinde!  
cs.utexas.edu!geraldo.cc.utexas.edu!doc.cc.utexas.edu!not-for-  
mail@network.UCSD.EDU  
Subject: Blind VE flames  
To: ham-policy@ucsd.edu

Newsgroups: alt.radio.amateur.flame  
Subject: Re: Blind VE's  
Summary:  
Expires:  
References: <1v5jit\$7p@thumper.cc.utexas.edu> <1993Jun10.121852.119300@locus.com>  
Sender:  
Followup-To:  
Distribution:  
Organization: The University of Texas - Austin  
Keywords:

In article <1993Jun10.121852.119300@locus.com> dana@fafnir.la.locus.com (Dana H.  
Myers) writes:  
>>

>  
>Hey, this topic has strayed from the rules and is now a flame war (a polite  
>flame war, but a flame war) over a non-amateur subject. Might I suggest  
>that it best be carried out in private e-mail, or on a "flame" newsgroup ?  
>  
>  
>--  
> \* Dana H. Myers KK6JQ | Views expressed here are  
\*

As I've stated in the past, I dislike flame wars. As for as I am concerned they are a waste of bandwidth. No article that I have posted has had the intent of flaming.

Now it's pretty obvious that I have serious problems with Gary's position on this whole issue, and he certainly has problems with mine. But I believe that we are both posting what we feel are salient points about the blind VE issue.

The last Amateur Radio Newsline that I heard said something to the effect that the resolution of this issue will have effect all amateur radio testing. This may be true. If it is, then everyone should know what current opinion is, so that they may be properly informed.

And concerning private email, I will say this. My electronic mailbox is there for the use of my friends and others. It is not a place that I have designated for debate, even though I have politely answered email that has been sent to me that has disagreed with my position on this matter. Those who would send me insulting mail get one chance to do that, afterwhich their mail will be ignored and erased unread. And although I firmly believe in the privacy of email, I wil not hesitate to publisize the aforementioned insulting email if I decide that such publication is necessary (most of the time I wouldn't).

I am fully prepared to converse with anyone on this issue, and I will do so in a courteous manner. But I am capable of engaging in other forms of discussion as well.

73,

--  
David Milner | \*\*\*\*\* | Amateur Radio Callsign N 5 R U L (R/R # 3)  
(GeNIE) D.MILNER | \* Moo! \* | (Internet) aggedor@ccwf.cc.utexas.edu  
Austin, Tx. U.S.A.| \*\*\*\*\* | I know who I am, and I will NEVER go back!  
\*\* Illegitimus Non Carborundom Est! (Don't let the bastards get you down!) \*\*

-----  
Date: 9 Jun 93 16:47:33 GMT  
From: agate!howland.reston.ans.net!math.ohio-state.edu!pacific.mps.ohio-state.edu!  
linac!att!att!bigtop!drutx!druwa!n2ic@ames.arpa  
Subject: NQOI Loses Big PRB-1 Antenna Case  
To: ham-policy@ucsd.edu

Below is the text from a recent Federal Appeals Court decision upholding  
a 35 foot height limit in Boulder County, Colorado.

Better read this here - you sure won't see bad news like this published in  
QST !

I apologize for having to edit the text. A scanner-readable copy of the  
decision was not available. I have included the salient points made by  
the court.

Steve,  
N2IC/0  
n2ic@drmail.att.com

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UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

D.R. EVANS, Plaintiff-Appellee

v.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF BOULDER, COLORADO;

(stuff edited)

This appeal springs from a controversy between an amateur radio operator,  
D.R. Evans, and the Boulder County Board of Commissioners (County or Board)  
concerning the height of an antenna tower in a residential neighborhood.  
Evans desired a tower 100 feet high; the County decided thirty-five feet was  
sufficient; and the district court decided eighty feet was just right.  
We reverse.

I  
Facts

Evans owns a home located upon a 1.28 acre tract in a zoned residential area. The area's principal attraction is a view of the nearby Rocky Mountains. The district court judge who initially heard the case aptly described the residential neighborhood as follows:

"There are some very specific interests of Boulder County in general and this particular neighborhood in -- specifically which affect [] this case... First of all, because it has an unusual panoramic mountain view. And a lot of people who live in Boulder are very concerned with the view ... people that live on the slope of Davidson Mesa looking to the west have a view which is probably one of the greatest views on the eastern slope ... people buy in that area because of the view. This is one of the important considerations of living in that area ... where people buyt lots for the view in such an area as this neighborhood, devaluation of property may occur where the view actually is affected."

In order to preserve the views enjoyed by residents, the County imposes a general height limitation of thirty-five feet for structures. The height limitation precludes Evans from conducting the radio communications he desires. Evans, a highly qualified ham radio operator, seeks to conduct amateur radio research, provide emergency communications, and engage in intercontinental communications in order to foster international good will. The radio experts agreed that limiting Evans to a 35 foot antenna tower would significantly impair Evans' ability to accomplish his legitimate purposes. Although the County conceded this point, it contended other amateurs in the area successfully conduct some communications with 35 foot antennas. Additionally, neighborhood residents presented a strong interest in maintaining the status quo. They expressed concern that the erection of a large metal antenna tower would not only interfere with the superb aesthetic views they enjoyed, but would also devalue their property. Evans believed he could alleviate the problem by screening the tower with trees. Despite Evans' commitment to plant 200 trees on his property, the trees would not be of sufficient height to screen the proposed tower for at least 10 years.

## II Background

(stuff edited)

## III The Board Decision

(stuff edited)

IV  
The District Court Decision

Evans once again appealed to the district court contending the County's application of its zoning regulations had been preempted by the FCC order. As there were no disputed issues of material fact, both parties moved for summary judgment.

The district court in an unpublished decision, ... granted Evans' motion for summary judgment and held the regulations were invalid as applied. The court based this decision on three points: (1) the Zoning Resolution initially was preempted by federal law; (2) the Board failed to adequately consider Evans' needs for a greater antenna height in violation of PRB-1; and (3) the County based its denial of Evans' application upon inconsistent grounds. The court selected one of Evans' four proposed options and ordered the County to approve the application for a special use permit to erect an eighty-foot antenna tower.

V  
The FCC Regulations

Ever since Guglielmo Marconi erected the first radio antenna, conflicts have arisen between amateur radio operators and local zoning authorities concerning the height of antenna towers. Amateurs radio operators well know their ability to effectively receive and transmit communications directly relates to the height and location of their radio antenna. It is doubtful there exists an amateur radio operator who does not desire a higher antenna. On the other hand, zoning authorities exist, in part, to regulate land use based upon aesthetic considerations. Undoubtedly, most zoning authorities would detest few scenarios more than that of a high steel tower and its attendant guy wires protruding from a residential neighborhood and interfering with a superb mountain view.

The FCC, recognizing the inherent and continuing conflict between radio operators and zoning authorities, attempted to resolve the conflict by issuing an order described as PRB-1, wherein the FCC stated, in part, as follows:

"In this situation, we believe it is appropriate to strike a balance between the federal interest in promoting amateur operations and the legitimate interest of local government in regulating local zoning matters ...  
(stuff edited)

Local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulations to accomplish the local authority's legitimate purpose." (stuff edited)

The regulations attempt to strike a compromise between two competing interests and, as is true of many compromises, have omitted the details leaving both sides the impression they received the biggest piece of the divided cake. Notwithstanding the inherent vagueness in the language, several principles may be gleaned from the FCC regulations. First, zoning authorities must reasonably accommodate amateur communications. Second, local regulations should be the minimum practicable in order to accomplish the zoning authority's legitimate purposes. Third, local authorities may not altogether preclude amateur communications. Finally, the FCC has explicitly declined to regulate the specific permissible heights for antenna towers.

## VI Preemption

(stuff edited)

## VII Review of the Board Decision

In reviewing local land use regulations of amateur radio towers, a reviewing court should apply a two-part analysis. First, the court should examine the applicable regulations to determine if they are facially consistent with PRB-1. In this case the district court found the local regulations facially valid, and since neither party appealed that holding, it is unnecessary to analyze the first prong. Second, the reviewing court examines the decision of the local board to determine if the local board's application of the regulations is preempted by PRB-1.

In deciding whether the Board's regulations are preempted as applied to Eavns' special use permit, we give due deference to the factual determinations made by the board. Federal courts should give preclusive effect to the factfinding of state or local administrative tribunals. The district court did not exercise such deference when it rejected the Board's conclusion that the tower would be inadequately screened by trees. The court held the rationale was inconsistent; "complete shielding of the antenna by trees would impact mountain views no less than the antenna itself." It was improper for the district court to reexamine the Board's factual conclusions. Therefore, upon exercising our de novo review, we need only determine whether the County's application of its local regulations to the facts as they interpreted them are preempted by federal law.

PRB-1 dictates that local ordinances are preempted as applied to ham radio operators when they do not reasonably accommodate amateur communications through the least restrictive regulation practicable. In making its determination, the local board must consider all relevant factors and explore potential alternatives.

The board heard an abundance of testimony at three different hearings relating to erection of an antenna tower on Evans' property. The Board elicited comments from Evans, his neighbors, experts on ham radio, and experts in real estate. Four of Evans' adjacent neighbors were vehemently opposed to the erection of a tower in excess of 35 feet. Evans was provided the opportunity to respond to the concerns of those who opposed his application for a permit. By the end of the hearings, the Board was well aware of the range of communication capability that could be achieved with antenna towers of various heights. In fact, prior to the last hearing Evans wrote a letter to the County in which he stated it would be unnecessary to present further expert testimony as "most of the issues have been thrashed through ad infinitum in our previous hearings."

The Boulder County Land Use Staff drafted a 4 page memorandum summarizing the request and applicable standards and ultimately concluding the tower would be inadequately screened and would not be in harmony with the surrounding environment. Staff recommended that a 60 foot crank-up tower might be a feasible alternative. Evans, however, testified that a crank-up tower would be implausible, as it would not withstand the high winds that frequent Boulder.

Ultimately, after the August 21, 1991, hearing, the County again denied the permit. The County interpreted the FCC regulations to mandate a balancing between the needs of the amateur radio proponents and the adverse impacts on the neighborhood. In performing this analysis, the County determined Evans' need for a higher tower was outweighed by the aesthetic degradation of the neighborhood and potential reduction in property value. The Board further suggested that locations within the County exist where such a proposal could be approved.

PRB-1 recognizes that regulations affecting the placement, screening and height of antennas are permissible when based on health, safety or aesthetic considerations, as long as they reasonably accommodate amateur communications with the minimum practicable regulation necessary. Thus, the County's justification of preserving the aesthetic views was acknowledged by PRB-1 as a legitimate local concern. Moreover, the County's decision was informed and recognized Mr. Evans' communication needs. Although the County was aware a 35 foot tower would not completely meet Evans' legitimate goals, "the law cannot be that municipalities have no power to restrict antennas to heights below that desired by radio licensees," Williams v. City of Columbia ...

In other cases where local regulations were preempted as applied, courts held the record was devoid of any evidence demonstrating the Board reasonably accommodated the amateur operator. Unlike the zoning boards in Bodony and Bulchis, the record is replete with evidence that Boulder County reasonably accommodates Evans' amateur communication goals. Despite its debatable viability, the County was willing to consider the option of a crank-up 60 foot tower in an effort to reasonably accommodate Evans. The Board also

approved a special use permit for another tower in excess of 35 feet, where the County felt that there was adequate screening and the views were unimpaired. Finally, the County's recognition that other potential locations might be more suitable for the construction of the tower demonstrates the County was not inflexible in its consideration of Evans' application.

The Board in drafting its resolution mischaracterized its responsibility to reasonably accommodate as a balancing test. "In performing this required balancing, the Board finds that the needs of the Applicant ... do not outweigh the adverse impacts on the neighborhood." This balancing approach was adopted by the 4th Circuit. "The law requires only that the City balance the federally recognized interest in amateur radio communications with local zoning concerns." We believe the balancing approach underrepresents the FCC's goals as it specifically selected the "reasonably accommodate" language. Nevertheless, despite its mischaracterization, Boulder County made efforts to reasonably accommodate Evans' communication needs. In this case, denial of the permit after evaluating options and thoroughly considering the relevant evidence was a reasonable accommodation.

In determining whether the County utilized the minimum practicable regulation in addressing Evans' proposal, the County must have explored alternatives to a blanket denial of the application. The County's legitimate purposes behind denying the permit were to preserve the aesthetic views and maintain property values in the community. Since the County determined there would be inadequate screening of the tower and the proposed alternatives by Evans and the Boulder County Land Use Staff would not alleviate the problem, the denial of the permit in this case was the minimum practical regulation necessary to accomplish their goals. In summary, because the County made efforts to reasonably accommodate Evans' amateur communications utilizing the minimum practical regulation, the County's regulations are not preempted as applied.

Consequently, we REVERSE the decision of the district court and hold the decision of the Boulder County Board of Commissioners should be reinstated as it is not preempted.

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Date: Thu, 10 Jun 1993 22:16:57 GMT  
From: news.service.uci.edu!ttinews!calvin.tti.com!cole@network.UCSD.EDU  
Subject: NQOI Loses Big PRB-1 Antenna Case  
To: ham-policy@ucsd.edu

In article <1993Jun10.160744.10341@leland.Stanford.EDU> paulf@umunhum.stanford.edu (Paul Flaherty) writes:  
>From: paulf@umunhum.stanford.edu (Paul Flaherty)  
>Subject: Re: NQOI Loses Big PRB-1 Antenna Case  
>Date: Thu, 10 Jun 93 16:07:44 GMT

>I have to agree with the appellate court here. The 60 foot crank up tower  
>would have been more than adequate, NQOI's comments about wind notwithstanding.  
>Good quality crankups can be guyed, and are far less of a pain to deal with  
>than those that require you to haul out a climbing belt.  
>  
>PRB-1 is being wasted by hams who seem to think that it means that they can  
>build any antenna they want.  
>  
>  
>--  
>-=Paul Flaherty, N9FZX | "The National Anthem has become The Whine."  
>->paulf@Stanford.EDU | -- Charles Sykes, \_A Nation of Victims\_

I also have to agree with the appellate court. If NQOI wanted to be a DX King with an aluminum forest he should have thought about that when he bought the property. I've done pretty well with a tribander at 25' in urban Los Angeles. I don't think a 35' tower would have been all that bad.

Perhaps Paul is not familiar with the winds in Boulder. Boulder probably has the highest winds of any urban area in the country. I wouldn't WANT a 100' tower (even a guyed one) in Boulder.

I suspect that if QST doesn't say much about this case it's because our ARRL officials realized that NQOI was taking an unreasonable position. I'd rather have the ARRL spend our resources in situations where the ham's case has more merit.

Randy Cole  
KN6W  
cole@soldev.tti.com

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Date: 9 Jun 93 17:14:22 GMT  
From: ogicse!uwm.edu!wupost!cs.utexas.edu!gerald.oco.cc.utexas.edu!doc.cc.utexas.edu!  
not-for-mail@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <1993Jun8.165024.22139@ke4zv.uucp>, <C8DDzH.Au6@ucdavis.edu>, <1993Jun10.002147.25377@en.ecn.purdue.edu>ail  
Subject : Re: blind VEs

In article <1993Jun10.002147.25377@en.ecn.purdue.edu> n9ljx@en.ecn.purdue.edu  
(Scott A Stembaugh) writes:

>  
>Here is the point that I have a problem with. It is the READER who is making

>the judgements as to what is questionable. The READER is not certified as a  
>VE. It is the READER who is doing the OBSERVING, not the VE. Unless the  
>reader is able to convey ALL activity in the room to the VE, the VE will not  
>be able to OBSERVE the activities and take appropriate action on the  
>activities that the VE deems appropriate.  
>  
>--scott

The transmission of all relavant data concerning a reader's observations at any time is the responsibility of the reader. If the reader is competant then that poses no problem. And remember that the blind person would also be observing the session himself/herself, along with the reader, who at that point is acting as an extention of the blind VE.

You raise a valid point here, but as has been pointed out it is not a particularly difficult problem to solve. True professionalism goes a long way.

73,

--  
David Milner | \*\*\*\*\* | Amateur Radio Callsign N 5 R U L (R/R # 3)  
(GeNie) D.MILNER | \* Moo! \* | (Internet) aggedor@ccwf.cc.utexas.edu  
Austin, Tx. U.S.A.| \*\*\*\*\* | I know who I am, and I will NEVER go back!  
\*\* Illegitimus Non Carborundom Est! (Don't let the bastards get you down!) \*\*

-----

Date: Wed, 9 Jun 1993 20:15:40 GMT  
From: elroy.jpl.nasa.gov!usc!howland.reston.ans.net!spool.mu.edu!clark!pacifier!  
mikef@ames.arpa  
To: ham-policy@ucsd.edu

References <9306060726.AA03021@hwking.cca.cr.rockwell.com>,  
<C89DCo.7xq@pacifier.rain.com>, <1993Jun8.165024.22139@ke4zv.uucp>p  
Subject : Re: blind VEs

In article <1993Jun8.165024.22139@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman) writes:  
>I've tried to stay out of this, I really have.  
>  
Yeah, sometimes these debates get a bit of a muchness, don't they?  
>  
>In article <C89DCo.7xq@pacifier.rain.com> mikef@pacifier.rain.com (Mike Freeman) writes:  
>>In article <9306060726.AA03021@hwking.cca.cr.rockwell.com>

William=E.=Newkirk%Pubs%GenAv.Mlb@ns14.cca.CR.rockwell.COM writes:

>>>

>>>The FCC says observe means you gotta be able to see.

>

[Material deleted]

>

>Well the dictionary, and common usage disagree with you. Observe  
>does indeed mean (1) to see and note (2) to watch closely. If  
>you are blind, you aren't competent to operate a motor vehicle,  
>

Thank God! Though some drivers on the road today might as  
well be blind, given the way they drive -- or don't drive {grin}!.

>

>and you aren't competent to observe the actions of a group of  
>people.

>

How do you know? Have you talked to blind instructors to  
ascertain how they do their jobs? The point is that they, in fact,  
\*do\* perform their functions (including observing groups of  
people) competently. There are, after all, other senses than  
sight, wonderful though that faculty may be.

>

>Now I read where you said you could use a live reader. But in  
>that case it's the live reader who is observing, not you. And  
>it is the live reader who must be certified as a VE, not you.

>

Who's gonna tell the reader what to look for? I am. And I  
might \*not\* use a live reader also. But that misses the point that I'm  
still in charge.

>

>Otherwise, they would not have demonstrated the competence to  
>understand all that they observe required of a VE. This is

>

As another person put it: does catching cheaters physically  
require knowledge of electronic theory and FCC regs? Does the  
fact that a CEO uses a secretary invalidate his/her decisions  
or shift the responsibility for those decisions away from him/her?

>

>similar to a situation where a blind person might claim the  
>right to be a licensed driver by virtue of using a live reader  
>to take his driving test. I don't think the DMV is going to buy  
>that, and neither is the FCC. So if you want to say that a blind  
>VE can function by using a live reader who is certified as a  
>competent observer by virtue of being a VE, I don't think the FCC  
>would have a problem with that, but then you'd be somewhat redundant.

>

a) In fact, the FCC \*did\* have a problem with that in that other  
(sighted) VEs refused to have the blind gentleman in question on

the VE team, citing the inability of the blind to perform the duties of a VE.

b) The DMV would be correct in that a driver's license requires not only passage of a written exam but physical demonstration of competency behind the wheel. Although I know physically how to drive, I certainly would not claim to be able to pass the exam (and society should be thankful that I am not {grin}). However, we're not dealing with the safety of the public or testing of a physical skill as we are in dealing with operation of a motor vehicle. We are dealing with proctoring of an exam -- something the blind do all the time. But the fact that it's done doesn't seem to count; we, the blind, are incompetent until we can prove ourselves competent -- a standard which is not imposed upon the rest of society.

>

>>Methinks I hear echos of some of the comments about Martin Luther  
>>King, Jr., James Farmer, Roy Wilkins, Ralph Abernathy, W.E.B.

>>Dubois ...

>

>Methinks I hear the standard cry of racism being misused in a totally  
>unrelated matter.

>

No; I agree that racism is overused (though it does exist). That word never left my keyboard.

My point in the above statement was that many minorities have heard the refrain that they should know their capabilities and limitations -- that, in short, they should know their place.

The problems of the blind are not so much physical but social; they have much in common with those of other minorities. the physical problem can be reduced to a blasted nuisance; the social stereotypes are more difficult to overcome.

73!

--

Mike Freeman		Amateur Radio Callsign: K7UIJ
301 N.E. 107th Street		Internet: mikef@pacifier.rain.com
Vancouver, WA 98685 USA		GEnie: M.FREEMAN11
Telephone (206)574-8221		Pushing 40 is exercise enough!

---

Date: Thu, 10 Jun 1993 23:23:29 GMT

From: dog.ee.lbl.gov!overload.lbl.gov!agate!howland.reston.ans.net!  
sol.ctr.columbia.edu!destroyer!ncar!elmore@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <25386@drutx.ATT.COM>, <1993Jun10.160744.10341@leland.Stanford.EDU>,

<cole.186.739750617@soldev.tti.com>troyer  
Subject : Re: NQ0I Loses Big PRB-1 Antenna Case

In article <cole.186.739750617@soldev.tti.com> cole@soldev.tti.com (Randy Cole) writes:

>In article <1993Jun10.160744.10341@leland.Stanford.EDU>

paulf@umunhum.stanford.edu (Paul Flaherty) writes:

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>

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>our ARRL officials realized that NQ0I was taking an unreasonable  
>position. I'd rather have the ARRL spend our resources in situations  
>where the ham's case has more merit.

Well, gents, you haven't kept up with the history of the case. Not surprising, since it's lasted 5 years. Here's a refresher for you: Boulder had \*NO\* antenna regulations when this whole thing started. In fact, 2 years prior to the start of it, Boulder hams diligently worked out a Comprehensive Plan with the County (and approved by the County) that specifically excluded any specific numbers for antenna heights. Wind survival and lot size essentially limited what could be erected. Thus, NQ0I did, in fact, believe he had moved to a piece of property that would be amenable to his goal. In moved to another house in teh same neighborhood. He had previously had a 60' tower but was limited from going any further by power lines. The problem started when he applied for a building permit (required) and a County planner \*unilaterally\* and \*without legal sanction\* sent a few dozen flyers to everyone within about a mile of NQ0I's property

to see if anyone objected. If you ask enough people, someone is bound to say "Hell no!" That's what the Planner and Council were, evidently, looking for.

No, he didn't want an "aluminum forest"; he initially wanted a 125' guyed tower and later compromised on an 80' tower. I'm a research meteorologist and we love to study the winds. Yes, Boulder has some and in some places they are impressive. And, *<surprise>* there are many 100' \*amateur\* towers doing just fine in and around the region. N2IC has some; NORR, who lives in one of the most exposed, windiest regions, has some. \*NONE\* have collapsed in winds here. We've had winds blow down bridges under construction (some big, 80,000 lb pre-stressed concrete support beams fell on a passing truck in gusts to 120 mph) but no, none, zip, nil, not any amateur antennas have fallen in the wind. In fact, the only case I know of is about 15 to 20 years ago when someone's outbuilding blew apart, carrying a piece of plywood into a guy. That tower crumpled into a heap. Guyed towers, for those who are unaware of their failure modes, don't fall like trees. They accordian down, usually landing in a pile with radius equal to 70% of their height for short towers and 40-50% of their height for tall (commercial) towers. In strong winds the (non-indigenous) trees people are so fond of here offer far more hazard than do towers.

Views were not a valid issue: the neighborhood NQOI lives in has essentially obstructed views by numerous trees and several high-voltage (the ones on BIG pylons) power lines running through it. NQOI offered time and again to relocate the installation so as to have the least impact on any immediate neighbor's view.

As for crank-ups: NQOI has no problem with them. But the requirement was that there be \*NO\* guys visible or attached between the hours of 1 hr after sunset and 1 hr before sunrise. Extended, the tower had to withstand an unusually high wind (140 mph? I could be off by 10 here) fully loaded and could only be extended during the magic period of 1 hr after sunset and 1 hr before sunrise. Furthermore, the (now unguyed) tower must tolerate a worst-case wind when fully loaded in the nested state. No commercially available crank-up tower meets these loading requirements. Do they sound reasonable to you?

Finally, whether or not \*any\* of us would want a 100' tower or not is beside the point, as is whether or not NQOI enjoys DXing, contesting, rag-chewing, RTTY, AMTOR, PACTOR, 160 m, CW, fone, or sunny days. It's not our station: it belongs to NQOI. Whether or not \*I\* think a 125' tower is a reasonable thing to have \*in any case\* isn't the point (I'd love one, BTW). What is at stake here was (is) 1) did the County "reasonably accomodate ... with minimal regulation"

the legitimate activity of Amateur radio, 2) what does PRB-1 really mean (read the Court's decision: they think it's essentially a waste in that it provides no guidance whatsoever) and, to a lesser extent 3) who's property is it anyway?

Kim Elmore, [N50P, PP ASEL/Glider 2232456]

\* -.- \*  
\* Said by NQ0I while working on his shack: \*  
\* "All these \*wires\*! Why do they call it 'wireless'!?" \*  
\* -.- \*

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End of Ham-Policy Digest V93 #181

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